

YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 2000

JULY 17, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2833]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2833) to establish the Yuma Crossing National Heritage Area, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “Yuma Crossing National Heritage Area Act of 2000”.

(b) DEFINITIONS.—In this Act:

(1) HERITAGE AREA.—The term “Heritage Area” means the Yuma Crossing National Heritage Area established in section 3.

(2) MANAGEMENT ENTITY.—The term “management entity” shall mean the Yuma Crossing National Heritage Area Board of Directors referred to section 3(c).

(3) MANAGEMENT PLAN.—The term “management plan” shall mean the management plan for the Yuma Crossing National Heritage Area.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Certain events that led to the establishment of the Yuma Crossing as a natural crossing place on the Colorado River and to its development as an important landmark in America’s westward expansion during the mid-19th century are of national historic and cultural significance in terms of their contribution to the development of the new United States of America.

(2) It is in the national interest to promote, preserve, and protect physical remnants of a community with almost 500 years of recorded history which has outstanding cultural, historic, and architectural value for the education and benefit of present and future generations.

(3) The designation of the Yuma Crossing as a national heritage area would preserve Yuma’s history and provide related educational opportunities, provide

recreational opportunities, preserve natural resources, and improve the city and county of Yuma's ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Yuma Crossing National Heritage Area.

(4) The Department of the Interior is responsible for protecting the Nation's cultural and historic resources. There are significant examples of these resources within the Yuma region to merit the involvement of the Federal Government in developing programs and projects, in cooperation with the Yuma Crossing National Heritage Area and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations while providing opportunities for education, revitalization, and economic development.

(5) The city of Yuma, the Arizona State Parks Board, agencies of the Federal Government, corporate entities, and citizens have completed a study and master plan for the Yuma Crossing to determine the extent of its historic resources, preserve and interpret these historic resources, and assess the opportunities available to enhance the cultural experience for region's visitors and residents.

(6) The Yuma Crossing National Heritage Area Board of Directors would be an appropriate management entity for a heritage area established in the region.

(b) PURPOSE.—The objectives of the Yuma Crossing National Heritage Area are as follows:

(1) To recognize the role of the Yuma Crossing in the development of the United States, with particular emphasis on the roll of the crossing as an important landmark in the westward expansion during the mid-19th century.

(2) To promote, interpret, and develop the physical and recreational resources of the communities surrounding the Yuma Crossing, which has almost 500 years of recorded history and outstanding cultural, historic, and architectural assets, for the education and benefit of present and future generations.

(3) To foster a close working relationship with all levels of government, the private sector, and the local communities in the Yuma community and empower the community to conserve its heritage while continuing to pursue economic opportunities.

(4) To provide recreational opportunities for visitors to the Yuma Crossing and preserve natural resources within the Heritage Area.

(5) To improve the Yuma region's ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Heritage Area.

SEC. 3. YUMA CROSSING NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Yuma Crossing National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of those portions of the Yuma region totaling approximately 21 square miles, encompassing over 150 identified historic, geologic, and cultural resources, and bounded—

(1) on the west, by the Colorado River (including the crossing point of the Army of the West);

(2) on the east, by Avenue 7E;

(3) on the north, by the Colorado River; and

(4) on the south, by the 12th Street alignment.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Yuma Crossing National Heritage Area Board of Directors which shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of the enactment of this Act.

SEC. 4. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this Act, the Secretary of the Interior shall enter into a compact with the management entity.

(b) COMPONENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the Heritage Area, including each of the following:

(1) A discussion of the goals and objects of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures to which the management entity commits.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may, for purposes of preparing and implementing the management plan, use funds made available through this Act for the following:

- (1) To make grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person.
- (2) To hire and compensate staff.
- (3) To enter into contracts for goods and services.

(b) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Taking into consideration existing State, county, and local plans, the management entity shall develop a management plan for the Heritage Area.

(2) **CONTENTS.**—The management plan required by this subsection shall include—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(E) a recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(F) a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation;

(G) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(H) an interpretation plan for the Heritage Area.

(3) **SUBMISSION TO SECRETARY.**—The management entity shall submit the management plan to the Secretary for approval not later than 3 years after the date of enactment of this Act. If a management plan is not submitted to the Secretary as required within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) **DUTIES OF MANAGEMENT ENTITY.**—In addition to its duties under subsection (b), the management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan, including steps to assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government, regional planning organizations, and nonprofit organizations with—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) restoring any historic building relating to the themes of the Heritage Area; and

(E) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) encourage, by appropriate means, economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(6) conduct public meetings at least quarterly regarding the implementation of the management plan; and

- (7) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.
- (d) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property. Nothing in this Act shall preclude any management entity from using Federal funds from other sources for their permitted purposes.
- (e) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. In assisting the management entity, the Secretary shall give priority to actions that in general assist in—

- (1) conserving the significant natural, historic, and cultural resources which support the themes of the Heritage Area; and
- (2) providing educational, interpretive, and recreational opportunities consistent with resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the Yuma Crossing National Heritage Area Board of Directors, shall approve or disapprove the management plan submitted under this Act not later than 90 days after receiving such management plan.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this Act may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

(e) DOCUMENTATION.—Subject to the availability of funds, the Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the cultural, historic, architectural, and natural resources of the Heritage Area.

SEC. 7. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this Act not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this Act.

(b) 50 PERCENT MATCH.—Federal funding provided under this Act, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

PURPOSE OF THE BILL

The purpose of H.R. 2833 is to establish the Yuma Crossing National Heritage Area.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2833 would authorize the Secretary of the Interior to establish the Yuma Crossing National Heritage Area, in Yuma, Arizona. The Yuma Crossing was the natural crossing place of the Colorado River. This geographic feature eventually led to Yuma to become the epicenter of America's westward expansion during the mid-19th century. This bill would serve to protect the historic elements

located in the Yuma community, and would further educational, recreational, and economic opportunities of the region.

The Secretary of the Interior will manage the proposed National Heritage Area, in conjunction with the management entity known as Yuma Crossing National Heritage Board of Directors. H.R. 2833 authorizes appropriations of up to \$1 million annually, with an overall cap of \$10 million. Funding from the federal government may not exceed 50 percent of the total cost of any assistance or grants, and the Secretary is to discontinue grants and all assistance after September, 2015.

COMMITTEE ACTION

H.R. 2833 was introduced on September 9, 1999, by Congressman Ed Pastor (R-AZ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On April 4, 2000 the Subcommittee held a hearing on the bill. On May 18, 2000, the Subcommittee met to consider the bill. A technical amendment was offered by Congressman Jim Hansen (R-UT) at the Administration's request. The amendment was adopted by voice vote, and the bill, as amended, was then ordered favorably reported to the Full Committee by voice vote. On June 7, 2000, the Resources Committee met to consider the bill. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and rec-

ommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 20, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2833, the Yuma Crossing National Heritage Area Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for federal costs are Deborah Reis and Ali Aslam, who can be reached at 226-2860. The contact for the private-sector impact is Natalie Tawil, who can be reached at 226-2940.

Sincerely,

STEVEN M. LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2833—Yuma Crossing National Heritage Area Act of 2000

H.R. 2833 would establish the Yuma Crossing National Heritage Area in the county and city of Yuma, Arizona. The bill would direct the Secretary of the Interior to enter into an agreement with the Yuma Crossing National Heritage Area Board of Directors, the designated management entity for the area, to conserve and interpret area resources. The board would develop a management plan that identifies activities and sources of funding to protect and manage the heritage area. In addition, the board would make grants to state and local agencies and other entities to implement the plan. For these purposes, the bill would authorize the appropriation of \$10 million, not to exceed \$1 million annually.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2833 would cost \$10 million over the next 10 to 15 years. Such amount would be used to cover a portion of the costs of establishing, operating, and interpreting the heritage area. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2833 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The state of Arizona and local governments within the state might choose to participate in the planning for and management of the national heritage area and would incur some costs as a result. Such costs would be voluntary. Participating governments would be eligible to receive grants to cover a portion of the costs associated with those activities. H.R. 2833 would impose no costs on other state, local, or tribal governments.

The bill would impose private-sector mandates, but CBO estimates that the total direct costs of those mandates would fall well below the annual threshold established in UMRA (\$109 million in 2000, adjusted annually for inflation) during the first five years that the mandates are in effect.

H.R. 2833 would impose new private-sector mandates on the Yuma Crossing National Heritage Area Board of Directors, which the bill would designate as the management entity for the heritage area. The bill would require the board to develop, and submit to the Secretary of the Interior for approval, a management plan for the heritage area. H.R. 2833 also would require the board to conduct public meetings regarding the plan and to assist local governments and other organizations in activities related to the purposes of the heritage area. Based on information provided by the Yuma Crossing National Heritage Area Task Force, CBO estimates that the total direct costs of mandates in the bill would fall well below the annual threshold established in UMRA in each of the first five years that the mandates are in effect. The bill would authorize appropriations to cover up to 50 percent of the costs of developing and implementing the management plan and would direct the Secretary to provide technical assistance to the management entity upon request.

On June 20, 2000, CBO transmitted a cost estimate for S. 1998, the Yuma Crossing National Heritage Area Act of 1999, as ordered reported by the Senate Committee on Energy and National Resources on June 7, 2000. These bills are very similar and our cost estimates are the same.

The CBO staff contacts are Deborah Reis and Ali Aslam (for federal costs), Susan Sieg Tompkins (for the state and local impact), and Natalie Tawil (for the private-sector impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.